

John E. Mansfield (OSB 055390)
john@harrisbricken.com
HARRIS BRICKEN MCVAY SILWOSKI LLP
551 SE 11th Ave. Suite 201
Portland, OR 97214
T: 530.207.7313

John Jeffrey Eichmann (admitted *pro hac vice*)
DOVEL & LUNER LLP
201 Santa Monica Blvd., Suite 600
Santa Monica, California 90401
Tel. 310-656-7066
jeff@dovel.com

Attorneys for Plaintiff X2Y Attenuators, LLC

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

X2Y ATTENUATORS, LLC,

Plaintiff,

v.

INTEL CORPORATION,

Defendant.

Civil Case No.: 3:18-cv-1394-SB

**PLAINTIFF X2Y ATTENUATORS’
ANSWER TO DEFENDANT INTEL’S
COUNTERCLAIMS**

Plaintiff X2Y Attenuators, LLC (“X2Y Attenuators” or “X2Y”) answers the counterclaims of Defendant Intel Corporation (“Intel”). The paragraphs set forth in this Answer are numbered to correspond with the paragraph numbers in Intel’s Counterclaims. Similarly, the headings used below correspond to those used by Intel’s Counterclaims. All of the allegations in

Intel's Counterclaims not specifically admitted are denied.

INTEL CORPORATION'S COUNTERCLAIMS

45. X2Y Attenuators admits that Intel alleges counterclaims against X2Y. X2Y lacks sufficient information to form a belief regarding whether Intel's allegations are based "on personal knowledge as to its own acts, and on information and belief as to all others based on its own and its attorneys' own investigation" and on that basis denies that allegation.

NATURE OF ACTION

46. X2Y Attenuators admits that Intel asserts counterclaims "for declarations of non-infringement and invalidity of one or more claims of the Asserted Patents."

47. X2Y Attenuators admits that "X2Y has sued Intel, asserting that the '915 and '319 patents are valid, enforceable, and infringed by Intel" and that—in its court filings and its other litigation statements—"Intel denies X2Y's allegations." X2Y admits that "[a]n actual case or controversy exists between the parties concerning the infringement, validity, and enforceability of one or more of the claims of the '915 and '319 patents and that controversy is ripe for adjudication by this Court." X2Y denies all remaining allegations or inferences asserted or implied by Paragraph 47 of Intel's Counterclaims.

PARTIES

48. X2Y Attenuators admits that, "[a]ccording to the Complaint, X2Y is a limited liability company with its principal offices located at 2370-B West 21st Street, Erie, Pennsylvania, 16505."

49. X2Y Attenuators admits, upon information and belief, that "Intel is a corporation organized under the laws of Delaware with its principal place of business in Santa Clara, California."

JURISDICTION AND VENUE

50. X2Y Attenuators admits that Intel’s Counterclaims plead “an action for declaratory judgment under the patent laws of the United States, 35 U.S.C. § 1, et seq., and the Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202.” X2Y admits that “[t]his Court has subject matter jurisdiction” over Intel’s Counterclaims “pursuant to 28 U.S.C. § 1331 and 1338(a), in combination with 28 U.S.C. §§ 2201-2202.”

51. X2Y Attenuators admits that “[p]ersonal jurisdiction and venue in this District are proper under 28 U.S.C. §§ 1367, 1391, and 1400(b).” X2Y denies the remaining allegations of Paragraph 51 of Intel’s Counterclaims and, in particular, asserts that the parties’ stipulation to this District was made without prejudice to X2Y’s appeal of the Western District of Pennsylvania’s venue order (see Joint Stipulation at Dkt. #76).

FIRST COUNTERCLAIM (Declaration of Non-Infringement of the ’915 Patent)

52. X2Y Attenuators incorporates by reference its response to the allegations of paragraphs 45-51 of Intel’s Counterclaims. Except as expressly admitted elsewhere (i.e., in response to the paragraphs incorporated by reference by Intel in paragraph 52), X2Y denies each of the allegations of paragraph 52).

53. X2Y Attenuators admits that on June 22, 2017, X2Y filed a complaint alleging Intel’s infringement of the ’915 patent as set forth in paragraphs 17-24 of the Complaint (Dkt. 1). X2Y otherwise denies the allegations of paragraph 53.

54. X2Y Attenuators admits that, based on Intel’s pleaded allegations and its other litigation statements, there is an actual case or controversy between the parties regarding the infringement of the ’915 patent. X2Y otherwise denies the allegations of paragraph 54.

55. X2Y Attenuators denies the allegations of paragraph 55.

56. X2Y Attenuators admits that, based on Intel's pleaded allegations and its other litigation statements, a "valid and justiciable controversy has arisen and exists between X2Y and Intel with respect to the alleged infringement of the '915 patent." X2Y lacks sufficient information to form a belief regarding the remaining allegations of paragraph 56 and on that basis denies the allegations.

57. X2Y Attenuators denies the allegations of paragraph 57.

SECOND COUNTERCLAIM
(Declaration of Non-Infringement of the '319 Patent)

58. X2Y Attenuators incorporates by reference its response to the allegations of paragraphs 45-57 of Intel's Counterclaims. Except as expressly admitted elsewhere (i.e., in response to the paragraphs incorporated by reference by Intel in paragraph 58), X2Y denies each of the allegations of paragraph 58.

59. X2Y Attenuators admits that on June 22, 2017, X2Y filed a complaint alleging Intel's infringement of the '319 patent as set forth in paragraphs 25-32 of the Complaint (Dkt. 1). X2Y otherwise denies the allegations of paragraph 59.

60. X2Y Attenuators admits that, based on Intel's pleaded allegations and its other litigation statements, there is an actual case or controversy between the parties regarding the infringement of the '319 patent. X2Y otherwise denies the allegations of paragraph 60.

61. X2Y Attenuators denies the allegations of paragraph 61.

62. X2Y Attenuators admits that, based on Intel's pleaded allegations and its other litigation statements, a "valid and justiciable controversy has arisen and exists between X2Y and Intel with respect to the alleged infringement of the '319 patent." X2Y lacks information to form a belief regarding the remaining allegations of paragraph 62 and on that basis denies the allegations.

63. X2Y Attenuators denies the allegations of paragraph 63.

THIRD COUNTERCLAIM
(Declaration of Invalidity of the '915 Patent)

64. X2Y Attenuators incorporates by reference its response to the allegations of paragraphs 45-63 of Intel's Counterclaims. Except as expressly admitted elsewhere (i.e., in response to the paragraphs incorporated by reference by Intel in paragraph 64), X2Y denies each of the allegations of paragraph 64.

65. X2Y Attenuators admits, on information and belief, that Intel contends that the claims of the '915 patent are invalid for failing to meet one or more of the requisite statutory and decisional requirements and/or conditions for patentability under Title 35 of the United States Code, including without limitation, §§ 101, 102, 103, and/or 112." X2Y denies all remaining allegations or inferences asserted or implied by paragraph 65 of Intel's Counterclaims.

66. X2Y Attenuators denies the allegations of paragraph 66 of Intel's Counterclaims.

67. X2Y Attenuators admits that, based on Intel's pleaded allegations and its other litigation statements, a "valid and justiciable controversy has arisen and exists between X2Y and Intel with respect to the validity of the '915 patent." X2Y lacks sufficient information to form a belief regarding the remaining allegations of paragraph 67 and on that basis denies the allegations.

68. X2Y Attenuators denies the allegations of paragraph 68.

FOURTH COUNTERCLAIM
(Declaration of Invalidity of the '319 Patent)

69. X2Y Attenuators incorporates by reference its response to the allegations of paragraphs 45-68 of Intel's Counterclaims. Except as expressly admitted elsewhere (i.e., in response to the paragraphs incorporated by reference by Intel in paragraph 69), X2Y denies each

of the allegations of paragraph 69.

70. X2Y Attenuators admits, on information and belief, that Intel contends that the claims of the '319 patent are invalid for failing to meet one or more of the requisite statutory and decisional requirements and/or conditions for patentability under Title 35 of the United States Code, including without limitation, §§ 101, 102, 103, and/or 112.” X2Y denies all remaining allegations or inferences asserted or implied by paragraph 70 of Intel’s Counterclaims.

71. X2Y Attenuators denies the allegations of paragraph 71 of Intel’s Counterclaims.

72. X2Y Attenuators admits that, based on Intel’s pleaded allegations and its other litigation statements, a “valid and justiciable controversy has arisen and exists between X2Y and Intel with respect to the validity of the '319 patent.” X2Y lacks sufficient information to form a belief regarding the remaining allegations of paragraph 72 and on that basis denies the allegations.

73. X2Y Attenuators denies the allegations of paragraph 73.

DEMAND FOR JURY TRIAL

X2Y Attenuators demands a trial by jury of all asserted claims, defenses, and counterclaims (and underlying issues) that are triable by jury.

REQUEST FOR RELIEF

X2Y Attenuators denies that Intel is entitled to the relief it seeks as set forth in items A – F of its prayer for relief or to any other relief for the allegations made in its counterclaims.

Dated: September 28, 2018

Respectfully submitted,

By: /s/ Jeff Eichmann
 John Jeffrey Eichmann
 (admitted *Pro Hac Vice*)
 DOVEL & LUNER LLP
 201 Santa Monica Blvd., Suite 600
 Santa Monica, CA 90401

(310) 656-7066
jeff@dovel.com

John E. Mansfield (OSB 055390)
john@harrisbricken.com
HARRIS BRICKEN MCVAY
SILWOSKI LLP
551 SE 11th Ave. Suite 201
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